



# County of San Diego

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Clerk of the Superior Court

JUL 11 2012

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July 10, 2012

The Honorable Robert J. Trentacosta  
Presiding Judge, San Diego Superior Court  
220 West Broadway  
San Diego, CA 92101

Dear Judge Trentacosta,

The 2011-12 San Diego County Grand Jury issued three reports during their tenure that addressed findings and recommendations to the County of San Diego. Today, the County Board of Supervisors approved responses to these reports and directed me to forward these responses to your office, as required by the California Penal Code.

The responses, which are enclosed, correspond to the following reports:

- Contamination at Patrick Henry High – Gasoline in the Ball Field
- San Diego County Detention Facilities Condition and Management
- Tri-City Healthcare District – Continuing Issues

If you have questions or need additional information, please contact me at (619) 531-5250.

Sincerely,

WALTER F. EKARD

Chief Administrative Officer

Attachment

cc: Board of Supervisors



# COUNTY OF SAN DIEGO

## AGENDA ITEM

### BOARD OF SUPERVISORS

GREG COX  
First District

DIANNE JACOB  
Second District

PAM SLATER-PRICE  
Third District

RON ROBERTS  
Fourth District

BILL HORN  
Fifth District

**DATE:** July 10, 2012

**TO:** Board of Supervisors

**SUBJECT:** RESPONSE TO 2011-12 GRAND JURY REPORTS (DISTRICT: ALL)

### SUMMARY:

#### Overview

The 2011-2012 San Diego County Grand Jury recently completed their term and issued 5 reports that address County programs under the purview of the Board of Supervisors. Three of those five reports contained recommendations that require a County response. The other two reports contained commendations complimenting County programs and did not contain recommendations for changes.

According to the California Penal Code Section 933(c), agencies that are the subject of Grand Jury reports must respond in writing to the Findings and Recommendations addressed to them. Therefore, this is a request for your Board to review and approve the draft Finding and Recommendation responses prepared by the Chief Administrative Officer and authorize the Chief Administrative Officer to transmit your Board's responses to the Grand Jury, via the Superior Court Presiding Judge. The proposed responses address the recommendations and findings contained in following three reports:

- Contamination at Patrick Henry High – Gasoline in the Ball Field
- San Diego County Detention Facilities Condition and Management
- Tri-City Healthcare District – Continuing Issues

#### Recommendation(s)

##### CHIEF ADMINISTRATIVE OFFICER

Approve the proposed responses and authorize the Chief Administrative Officer to transmit the responses to the Grand Jury via the Superior Court Presiding Judge.

#### Fiscal Impact

This recommendation will have no fiscal impact.

#### Business Impact Statement



**SUBJECT:** RESPONSE TO 2011-12 GRAND JURY REPORTS (DISTRICT: ALL)

N/A

**Advisory Board Statement**

N/A

**BACKGROUND:**

The 2011-2012 San Diego County Grand Jury recently completed their term and issued 5 reports that address County programs under the purview of the Board of Supervisors. Three of those five reports contained recommendations that require a County response. The other two reports contained commendations complimenting County programs and did not contain recommendations for changes.

According to the California Penal Code, agencies that are the subject of Grand Jury reports must respond in writing to Findings and Recommendations addressed to them within 90 days of the reports' issuance. Therefore, this is a request for your Board to review and approve the draft Finding and Recommendation responses prepared by the Chief Administrative Officer covering these reports and authorize the Chief Administrative Officer to transmit your Board's responses to the Grand Jury, via the Superior Court Presiding Judge.

The proposed responses address the recommendations and findings contained in following three reports:

- "Tri-City Healthcare District – Continuing Issues"
- "San Diego County Detention Facilities Condition and Management"
- "Contamination at Patrick Henry High – Gasoline in the Ball Field"

The other two reports the County received were titled "Civic Successes – Public Service at its Best" and "Public Safety Realignment – What it Means to the Citizens of San Diego County." These two reports commended the County of San Diego for its approach to the State of California's Public Safety Realignment efforts and for the County Library System, Behavioral Health Court and energy conservation efforts. Commendations do not require a response.

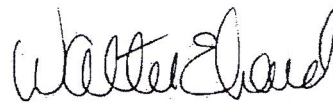
Individual elected officials who received Grand Jury recommendations, such as the San Diego County Sheriff and District Attorney, submit their responses separately, under the Penal Code. However, copies of all Grand Jury reports and the subject agencies' responses to them are posted on the Grand Jury website.

**Linkage to the County of San Diego Strategic Plan**

The Grand Jury reports listed above and the County's corresponding responses address issues associated with all three of the County of San Diego's 2012-17 Strategic Initiatives, which support Safe Communities, Sustainable Environments and Healthy Families. They also link to the County's eight Required Disciplines for Excellence, which focus on the organization's commitment to: Fiscal Stability; Customer Satisfaction; Regional Leadership; a Skilled, Adaptable and Diverse Workforce; Essential Infrastructure; Accountability, Transparency and Ethical Conduct; Continuous Improvement and Innovation; and Information Services.

**SUBJECT:** RESPONSE TO 2011-12 GRAND JURY REPORTS (DISTRICT: ALL)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Walter Ekard", written in a cursive style.

WALTER F. EKARD  
Chief Administrative Officer

**ATTACHMENT(S)**  
2011-12 County of San Diego Grand Jury Responses

**SUBJECT:** RESPONSE TO 2011-12 GRAND JURY REPORTS (DISTRICT: ALL)

**AGENDA ITEM INFORMATION SHEET**

**REQUIRES FOUR VOTES:**      ☐      Yes    ☒      No

**WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED**  
☐      Yes    ☒      No

**PREVIOUS RELEVANT BOARD ACTIONS:**  
N/A

**BOARD POLICIES APPLICABLE:**  
A-43 Response to Grand Jury Reports

**BOARD POLICY STATEMENTS:**  
N/A

**MANDATORY COMPLIANCE:**  
N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION  
NUMBER(S):**  
N/A

**ORIGINATING DEPARTMENT:** Chief Administrative Office

**OTHER CONCURRENCE(S):**      Health and Human Services Agency  
   Public Safety Group  
   Land Use and Environment Group

**CONTACT PERSON(S):**

Janice Graham

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**Approval Log For:**

Response to 2012 GJ Reports Board Letter.doc

2011-12 County of San Diego Grand Jury Responses.doc

Approver's Name	Approvers Job Title	Approver's Department	Time and Date of Final Approval
Sarah Aghassi	DCAO	Land Use and Environment Group	6/28/2012 3:51:13 PM
Ronald Lane		A0760	6/28/2012 3:35:12 PM
Nick Macchione	Agency Director	Health & Human Services Agency	6/28/2012 5:34:45 PM
Jon Baker	Financial Planning & Policy Officer	A&C-OFP	6/28/2012 3:35:12 PM
Claudia Anzures	Chief Deputy County Counsel	County Counsel	6/28/2012 3:41:42 PM



COUNTY OF SAN DIEGO RESPONSE TO 2011/2012 GRAND JURY REPORT

**"Contamination at Patrick Henry High-Gasoline in the Ball Field"**

Issued May 1, 2012

***FINDING 01: Effective abatement efforts overseen by DEH have been underway for many years.***

***Response:*** We agree with this finding. DEH has overseen the assessment and remediation of contaminants both on and offsite since contamination was discovered during underground storage tank removal activities in 2002. Assessment activities include the installation of several groundwater monitoring wells and borings, to delineate the lateral and vertical extent of soil and groundwater contamination. Remedial activities include the removal of contaminated groundwater, soil vapors and the excavation of contaminated soil on the PHHS site.

***Finding 02: Completion of decontamination efforts including a final health risk assessment would benefit the PHHS community.***

***Response:*** We agree with this finding. As part of the final Corrective Action Plan concurrence, DEH will require that once cleanup goals have been reached, a final health risk assessment at PHHS will be performed to ensure that there is no potential risk of exposure to users of the school's athletic fields.

***Finding 03: PHHSA as well as other interested parties would welcome a projected end-date for decontamination activities and return to full use of the school's athletic field.***

***Response:*** We agree with this finding. With the installation of the remediation trenches and French Drain system at PHHS, there is currently no limitation for full use of the school's athletic field. Groundwater extraction and treatment is being used to remediate the existing contamination associated with the former gas station. The Groundwater Extraction Treatment System (GETS), which has been in operation since January 2007, will be operated for up to 5 more years to reach active remediation goals. Once the remediation is complete, additional groundwater monitoring will be required for approximately 10 years to confirm that groundwater beneath the site is stable and has met the remediation cleanup goals.

**RECOMMENDATIONS**

The 2011/2012 San Diego County Grand Jury recommends that the San Diego County Board of Supervisors direct the Department of Environmental Health (DEH) as follows:

**12-21: Continue its ongoing oversight of petroleum de-contamination at the Patrick Henry High School (PHHS) northeast athletic field.**

***Response:*** This recommendation has been implemented. On May 16, 2012, DEH issued its Conditional Concurrence of the Corrective Action Plan. The Corrective Action Plan proposes to

continue groundwater extraction activities to lower groundwater levels beneath the PHHS fields and to reduce contaminant impacts beneath the fields until remediation goals are met. Following public notification, as part of the final Corrective Action Plan Concurrence, DEH will require that the French drain system beneath the athletic fields be monitored periodically for the presence of contaminants and additional actions taken if deemed appropriate. DEH will continue to direct those responsible for the abatement of the contaminants until cleanup and risk goals are met.

**12-22: Finalize the overall health risk assessment for the PHHS site that was begun in 2009.**

**Response:** This recommendation will be implemented. DEH will require that, once cleanup goals have been reached and prior to case closure, a final health risk assessment at PHHS will be performed to ensure that there is no potential risk of exposure to contaminants to users of the school's athletic fields.

**12-23: Develop a best estimate completion-date of abatement work after which the PHHS field may be returned to full use.**

**Response:** This recommendation will be implemented. There is currently no limitation for the full use of the school's athletic field as a result of the contaminants or current remedial activities. Groundwater extraction and treatment will continue to be used to abate the existing contamination associated with the former gas station. The Groundwater Extraction Treatment System (GETS), which has been in operation since January 2007, will operate for up to 5 more years to reach remediation goals. Once the remediation is complete, additional groundwater monitoring will be required for approximately 10 years to confirm that groundwater beneath the site is stable and has met the remediation cleanup goals. To try to reduce the 5-year groundwater remediation time period, DEH will require that additional contaminated wells in the street be plumbed into the GETS. The best time estimate that can be made at this time is that abatement will be complete sometime around 2027.

## **COUNTY OF SAN DIEGO RESPONSE TO 2011/2012 GRAND JURY REPORT**

### **"San Diego County Detention Facilities Condition and Management"**

**Issued May 2, 2012**

#### **RECOMMENDATION**

**12-24: The 2011/2012 San Diego County Grand Jury recommends that the San Diego County Chief Probation Officer consider adding Saturday to the visiting day schedule at the Girls Rehabilitation Facility.**

**Response:** The recommendation will not be implemented because it is not warranted. The Girls Rehabilitation Facility has visiting on Thursday and Sundays for a total of four hours, which is twice the required amount per California Code of Regulations Title 15. Saturday is set aside for numerous activities which include special visits for youth with children. Adding Saturday as a regular visiting day will interfere with the regular Saturday activities as well as visits for youth who have children.



## **COUNTY OF SAN DIEGO RESPONSE TO 2011/2012 GRAND JURY REPORT**

### **“Tri-City Healthcare District-Continuing Issues”**

**Issued May 30, 2012**

***RECOMMENDATION 12-49:*** The 2011/2012 San Diego County Grand Jury recommends that the City Managers for the cities of Carlsbad, Oceanside and Vista as well as the San Diego County Board of Supervisors:

**Conduct informational campaigns to underscore the necessary of encouraging qualified candidates to run for the Tri-City Healthcare District Board of Directors.**

**Response:** This recommendation will not be implemented because it is not reasonable. Tri-City Healthcare District is a public health care district, separate and distinct from the County of San Diego. As an independent governmental entity, the Tri-City Healthcare District is governed by a publicly elected Board of Directors and has the power to enter into contracts, purchase property, exercise the power of eminent domain, hire staff and other related powers necessary to operate a health care facility. Given continued budgetary impacts from the State of California, the County of San Diego must focus its limited resources on core responsibilities, and an informational campaign for another jurisdiction outside the purview of the County Board of Supervisors is not one such responsibility.